**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD**

TUESDAY, THE ELEVENTH DAY OF NOVEMBER, TWO THOUSAND AND THREE

: PRESENT :

**THE HON'BLE Mr. JUSTICE : V. ESWARAIAH.**

CRIMINAL PETITION No. 5114 of 2003

**Between:**

Magabattula Subbarao.

.. Petitioner

(Accused in Cr. No. 151/2003 on the file of the S.H.O., Akividu Police Station, W.G. District)

**And**

State of A.P., rep. by Public Prosecutor.

.. Respondent / Complainant

COUNSEL FOR PETITIONER : Mr. C. Praveen Kumar.
COUNSEL FOR RESPONDENT : The Public Prosecutor.

Petition under Section 437 & 439 of Cr. P.C. praying the High Court to release the petitioner on bail pending investigation, enquiry and trial into Cr. No. 151 of 2003 of Akividu Police Station, West Godavari District.

The Court made the following :

ORDER :

**" This is a regular bail application by the accused who was arrested for the offence under Sec. 306 IPC in Crime No. 151 of 2003 of Akividu Police Station, West Godavari District on 13.10.2003.**

**The brother-in-law of the deceased filed a complaint stating that the deceased took Rs. 3,000/- from the accused as loan and for the repayment of the loan, the accused was demanding the deceased to return his money. Two days prior to the incident, the deceased sent his wife to Malavantippa Village to bring money. It is alleged that on 13-10-2003, the deceased committed suicide by consuming poison due to the harassment of the accused.**

**Absolutely, there is no allegation that the accused either abated or instigated the deceased to consume poison and commit suicide. At the most, the demand made by the accused-petitioner and the so called threatens by the accused would attract the provisions of Sec. 506 IPC, which is a bailable offence. Prima facie, the allegations made in the complaint do not constitute an offence under Sec. 306 IPC. Therefore, the petitioner be released on bail on his executing a personal bond in a sum of Rs. 10,000/- (Rs. Ten Thousand only) with two sureties, each for a likesum to the satisfaction of II Additional JFCM, Bhimavaram. The Petitioner is also directed to co-operate with the investigating Officer. "**

SD/- M. DHARMANANDAN

RAO

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The I Additional Sessions Judge, West Godavari Division, At Eluru.
2. The II Additional Judicial First Class Magistrate, Bhimavaram, W.G. Dist.
3. The Superintendent, Sub-Jail, Bhimavaram, West Godavari District.
4. The Station House Officer, Akividu Police Station, West Godavari District.
5. Two CCs to Public Prosecutor, High Court of A.P., Hyderabad. **(OUT)**
6. One spare copy.
7. One CC to Mr. C. Praveen Kumar, Advocate (OPUC)

USR.

# HIGH COURT

**DATED : 11-11-2003**

**BAIL**

**Crl. P. No. 5114 of 2003**

**RELEASING THE PETITIONER**
**ON BAIL.**

# HIGH COURT

**DRAFTED ON : 11-11-2003**

**VEJ**

**APPROVED ON :**

**DATED: 11-11-2003**

**BAIL**

**Crl. P. No. 5114 OF 2003**

**RELEASING THE PETITIONER ON BAIL.**